REMARKS

Rejections Under 35 U.S.C. 102(e)

Claims 79-104 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Ozer et al.* (US 2003/0101454 A1). A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Applicants respectfully traverse the rejections of claims 79-104.

Claim 79

Claim 79 recites the following:

"A method implemented by a television set-top terminal (STT), comprising the steps of:

outputting by the STT a list of advertisement categories;

receiving by the STT user-input corresponding to a category of advertisements identified in the list of advertisement categories; and

downloading by the STT an advertisement corresponding to the category of advertisements, responsive to receiving the user-input."

In rejecting claims 79, the Office Action states "see Fig, 8 and page 2/section 0019 for an overview of a receiver device, such as a set top box; page 14/sections 0141, 0142, 0143 for the advertisement data is stored in category order, and based on the user input for advertisement contents, the advertisement contents corresponding to an interested category is displayed to the user, see more at page 18/section 0178 and page 19/section 0182."

Figure 8 of *Ozer* depicts an example of a receiver module, but does not teach, suggest, or disclose any of the steps recited in claim 79.

Section 0019 of *Ozer* states:

"Once advertisements are scheduled and defined as either committed or flexible advertisements, planning module calculates and assigns the weights that are to be used by a receiver module, such as a set top box, or the like, to select from available advertisements to display to the viewer. For certain types of advertising, the administrator

or individual may assign weights explicitly. These weights act as an indicator of the display frequency for the advertisement, i.e., the higher the weight the higher the display frequency or the more times advertisement content associated with the advertisement is displayed to a viewer through the receiver module. Examples of advertisement content include data included in graphics files, hypertext markup language (HTML) files, audio files, video files, and other audio and video data, which are used by the receiver module to present the advertisement to the viewer." Emphasis supplied.

Therefore, section 0019 of *Ozer* teaches that the "planning module" which is located remotely from the receiver module (see FIG. 1 in *Ozer*) calculates and assigns the weights that are to be used by the receiver module. There is no indication in *Ozer* that a user of the receiver module provides the weights to the planning module. Therefore, section 0019 does not teach any of the steps recited in claim 79, namely "outputting by the STT a list of advertisement categories; receiving by the STT user-input corresponding to a category of advertisements identified in the list of advertisement categories; and downloading by the STT an advertisement corresponding to the category of advertisements, responsive to receiving the user-input."

Page 14/sections 0141, 0142, 0143 of *Ozer* state:

"The advertisement data and/or content stored within the database associated with advertising module 42 can be stored in a variety of manners. For example, the data or content can be stored in a carousel that is accessible to advertising module 42 and manager module 40. Additionally, advertising module 42 can store the data or content in: (i) alphabetical order; (ii) category order, where advertisement content of the advertisement directed to a particular grouping of advertisements is stored together; (iii) calendar order, where days, weeks, months, etc. of advertisement content of the advertisement are stored together for delivery to receiver modules 20; (iv) viewer selection order, or the like. Generally, the advertisement content of the advertisement includes one or more identifiers that associate the one or more advertising campaigns and/or one or more metadata file with delivery and weighting information. The manager module 40 can select the desired advertisement, and hence the associated advertisement content, based upon such attributes and deliver the advertisement content, with associated

metadata or metadata file(s), of the advertisement to receiver module 20 for display to the targeted viewer." (*Ozer,* Page 14/sections 0141, 0142, 0143. Emphasis supplied).

Page 14/sections 0141, 0142, 0143 of *Ozer* primarily describe operation of an advertising module 42 and a manager module 40 that are part of a control module 16 located remotely from a receiver module 20 (see FIG. 1). According to Page 14/sections 0141, 0142, 0143, the involvement of the receiver module 20 is described as follows: "The manager module 40 can select the desired advertisement, and hence the associated advertisement content, based upon such attributes and deliver the advertisement content, with associated metadata or metadata file(s), of the advertisement to receiver module 20 for display to the targeted viewer." Therefore, Page 14/sections 0141, 0142, 0143 do not teach any of the steps recited in claim 79, namely "outputting by the STT a list of advertisement categories; receiving by the STT user-input corresponding to a category of advertisements identified in the list of advertisement categories; and downloading by the STT an advertisement corresponding to the category of advertisements, responsive to receiving the user-input."

Page 18/section 0178 and page 19/section 0182 of *Ozer* cited by the Office Action, and which describe the flow chart of FIG. 9, state the following:

"Upon receiving a request for an advertisement, and hence advertisement content, for a specified location and target criteria, the receiver module analyzes the one or more metadata files to identify when the advertisement content of the advertisement is to be displayed to the viewer, as represented by block 326. Further, the receiver module generates a list of advertisements and/or advertisement content for the advertisements that are to be displayed in accordance with the target criteria defined with the one or more metadata files, as represented by block 328. Consequently, the receiver module interprets the weights, whether absolute or relative weights based upon the available advertisements that meet the target criteria, as represented by block 330." (*Ozer*, section 0178, emphasis supplied).

"Consequently, one receiver module of the present invention makes an advertisement selection decision on-demand for specific target criteria, including time, market area, demographics, etc. That is, the receiver module selects the particular

advertisement content associated with scheduled advertisements when the broadcast programming, electronic program guide, web page, etc. includes a location or advertisement space for an advertisement. Alternatively, the receiver module can make the advertisement selection decision upon receiving the advertising content and metadata from the control module. For instance, the receiver module analyzes the metadata for the advertisement content upon receiving the same, and subsequently generates a display list of advertisement content based upon the absolute weights and flexible weights of the advertisements. The receiver module, therefore, waits for a request for advertisement content or one or more advertisements to be displayed to the viewer and selects one of the available advertisements. Thereafter, the receiver module removes that particular instance of the advertisement from the list and requests additional advertisements as needed. (*Ozer*, section 0182, emphasis supplied).

Page 18/section 0178 and page 19/section 0182 of *Ozer* cited by the Office Action, which describe the flow chart of FIG. 9, must be interpreted in the context of the preceding paragraphs that also describe FIG. 9. For example, section 0173 of *Ozer* states:

"Once the advertising inventory is displayed to the individual, an advertiser, optionally through the individual and associated hardware device, can request to schedule an advertising campaign, as represented by block 306. Illustratively, an advertiser can contact the provider of advertising inventory, such as a cable or satellite provider, and request the display of advertisement content to a specific target audience, i.e., geographic area, demographic data, specific times, etc. Additionally, the advertiser can request the display of a number of impressions to such an audience, i.e., the advertising impression goal. The advertiser and/or broadcaster may also request if the advertisement should be regarded as a committed or flexible advertisement." (*Ozer*, section 0173, emphasis supplied).

Section 0173 of *Ozer* teaches that an advertiser specifies the target criteria for an advertisement that is to be displayed by the receiver module. In fact, the "target criteria" (e.g., time, market area, and demographics) mentioned in section 0182 of *Ozer* correspond to the

"target audience" (e.g., geographic area, demographic data, specific times) that are defined by the advertiser in section 0173 of *Ozer*.

Based on the context of section 0173, the statement in section of 0178 *Ozer* that "Upon receiving a request for an advertisement, and hence advertisement content, for a specified location and target criteria, the receiver module analyzes the one or more metadata files to identify when the advertisement content of the advertisement is to be displayed to the viewer, as represented by block 326" can be understood to mean that the receiver module displays advertisements based on target criteria that are determined by the advertiser, and not based on a request from a user of the receiver module.

Therefore, Page 18/section 0178 and page 19/section 0182 of *Ozer* do not teach any of the steps recited in claim 79, namely "outputting by the STT a list of advertisement categories; receiving by the STT user-input corresponding to a category of advertisements identified in the list of advertisement categories; and downloading by the STT an advertisement corresponding to the category of advertisements, responsive to receiving the user-input."

Claims 80-87

Claims 80-87 are allowable for at least the reason that they depend from claim 79, which has been shown to be allowable over the cited reference. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 88

Claim 88 recites the following:

"A method implemented by a television set-top terminal (STT), comprising the steps of:

outputting by the STT a list of advertisement categories;

receiving by the STT user-input corresponding to a category of advertisements identified in the list of advertisement categories; and

responsive to receiving the user-input, outputting an advertisement corresponding to the category of advertisements during a subsequent interruption in a television program."

In rejecting claim 88, the Office Action states "As for claims 88-96, these same limitations are rejected for the reasons given in the scope of claims 79-87 as disclosed in details above." Applicants note that claim 88 is different in scope from claim 79. For example, claim 79 does not recite the limitation "responsive to receiving the user-input, outputting an advertisement corresponding to the category of advertisements during a subsequent interruption in a television program." Therefore the rejections of claims 88-96 are improper since the Office Action did not shown how each of steps/features and/or limitations of claims 88-96 is anticipated by *Ozer*. Nevertheless Applicants will show how the portions of *Ozer* cited against claim 79 do not anticipate claim 88.

In rejecting claim 79 the Office Actions states "see Fig, 8 and page 2/section 0019 for an overview of a receiver device, such as a set top box; page 14/sections 0141, 0142, 0143 for the advertisement data is stored in category order, and based on the user input for advertisement contents, the advertisement contents corresponding to an interested category is displayed to the user, see more at page 18/section 0178 and page 19/section 0182." The Office Action suggests that these cited portions of *Ozer* are also used in rejecting claim 88.

Figure 8 of *Ozer* depicts an example of a receiver module, but does not teach, suggest, or disclose any of the steps recited in claim 88.

Section 0019 of *Ozer* states:

"Once advertisements are scheduled and defined as either committed or flexible advertisements, planning module calculates and assigns the weights that are to be used by a receiver module, such as a set top box, or the like, to select from available

advertisements to display to the viewer. For certain types of advertising, the administrator or individual may assign weights explicitly. These weights act as an indicator of the display frequency for the advertisement, i.e., the higher the weight the higher the display frequency or the more times advertisement content associated with the advertisement is displayed to a viewer through the receiver module. Examples of advertisement content include data included in graphics files, hypertext markup language (HTML) files, audio files, video files, and other audio and video data, which are used by the receiver module to present the advertisement to the viewer." Emphasis supplied.

Therefore, section 0019 of *Ozer* teaches that the "planning module" which is located remotely from the receiver module (see FIG. 1 in *Ozer*) calculates and assigns the weights that are to be used by the receiver module. There is no indication in *Ozer* that a user of the receiver module provides the weights to the planning module. Therefore, section 0019 does not teach any of the steps recited in claim 88, namely "outputting by the STT a list of advertisement categories; receiving by the STT user-input corresponding to a category of advertisements identified in the list of advertisement categories; and responsive to receiving the user-input, outputting an advertisement corresponding to the category of advertisements during a subsequent interruption in a television program."

Page 14/sections 0141, 0142, 0143 of *Ozer* state:

"The advertisement data and/or content stored within the database associated with advertising module 42 can be stored in a variety of manners. For example, the data or content can be stored in a carousel that is accessible to advertising module 42 and manager module 40. Additionally, advertising module 42 can store the data or content in: (i) alphabetical order; (ii) category order, where advertisement content of the advertisement directed to a particular grouping of advertisements is stored together; (iii) calendar order, where days, weeks, months, etc. of advertisement content of the advertisement are stored together for delivery to receiver modules 20; (iv) viewer selection order, or the like. Generally, the advertisement content of the advertisement includes one or more identifiers that associate the one or more advertising campaigns and/or one or more metadata file with delivery and weighting information. The manager

module 40 can select the desired advertisement, and hence the associated advertisement content, based upon such attributes and deliver the advertisement content, with associated metadata or metadata file(s), of the advertisement to receiver module 20 for display to the targeted viewer." (*Ozer,* Page 14/sections 0141, 0142, 0143. Emphasis supplied).

Page 14/sections 0141, 0142, 0143 of *Ozer* primarily describe operation of an advertising module 42 and a manager module 40 that are part of a control module 16 located remotely from a receiver module 20 (see FIG. 1). According to Page 14/sections 0141, 0142, 0143, the involvement of the receiver module 20 is described as follows: "The manager module 40 can select the desired advertisement, and hence the associated advertisement content, based upon such attributes and deliver the advertisement content, with associated metadata or metadata file(s), of the advertisement to receiver module 20 for display to the targeted viewer." Therefore, Page 14/sections 0141, 0142, 0143 do not teach any of the steps recited in claim 88, namely "outputting by the STT a list of advertisement categories; receiving by the STT user-input corresponding to a category of advertisements identified in the list of advertisement categories; and responsive to receiving the user-input, outputting an advertisement corresponding to the category of advertisements during a subsequent interruption in a television program."

Page 18/section 0178 and page 19/section 0182 of *Ozer* cited by the Office Action, and which describe the flow chart of FIG. 9, state the following:

> "Upon receiving a request for an advertisement, and hence advertisement content, for a specified location and target criteria, the receiver module analyzes the one or more metadata files to identify when the advertisement content of the advertisement is to be displayed to the viewer, as represented by block 326. Further, the receiver module generates a list of advertisements and/or advertisement content for the advertisements that are to be displayed in accordance with the target criteria defined with the one or more metadata files, as represented by block 328. Consequently, the receiver module interprets the weights, whether absolute or relative weights based upon the available advertisements that meet the target criteria, as represented by block 330." (*Ozer*, section 0178, emphasis supplied).

"Consequently, one receiver module of the present invention makes an advertisement selection decision on-demand for specific target criteria, including time, market area, demographics, etc. That is, the receiver module selects the particular advertisement content associated with scheduled advertisements when the broadcast programming, electronic program guide, web page, etc. includes a location or advertisement space for an advertisement. Alternatively, the receiver module can make the advertisement selection decision upon receiving the advertising content and metadata from the control module. For instance, the receiver module analyzes the metadata for the advertisement content upon receiving the same, and subsequently generates a display list of advertisement content based upon the absolute weights and flexible weights of the advertisements. The receiver module, therefore, waits for a request for advertisement content or one or more advertisements to be displayed to the viewer and selects one of the available advertisements. Thereafter, the receiver module removes that particular instance of the advertisement from the list and requests additional advertisements as needed. (*Ozer*, section 0182, emphasis supplied).

Page 18/section 0178 and page 19/section 0182 of *Ozer* cited by the Office Action, which describe the flow chart of FIG. 9, must be interpreted in the context of the preceding paragraphs that also describe FIG. 9. For example, section 0173 of *Ozer* states:

"Once the advertising inventory is displayed to the individual, an advertiser, optionally through the individual and associated hardware device, can request to schedule an advertising campaign, as represented by block 306. Illustratively, an advertiser can contact the provider of advertising inventory, such as a cable or satellite provider, and request the display of advertisement content to a specific target audience, i.e., geographic area, demographic data, specific times, etc. Additionally, the advertiser can request the display of a number of impressions to such an audience, i.e., the advertising impression goal. The advertiser and/or broadcaster may also request if the advertisement should be regarded as a committed or flexible advertisement." (*Ozer*, section 0173, emphasis supplied).

Section 0173 of *Ozer* teaches that an advertiser specifies the target criteria for an advertisement that is to be displayed by the receiver module. In fact, the "target criteria" (e.g., time, market area, and demographics) mentioned in section 0182 of *Ozer* correspond to the "target audience" (e.g., geographic area, demographic data, specific times) that are defined by the advertiser in section 0173 of *Ozer*.

Based on the context of section 0173, the statement in section of 0178 *Ozer* that "Upon receiving a request for an advertisement, and hence advertisement content, for a specified location and target criteria, the receiver module analyzes the one or more metadata files to identify when the advertisement content of the advertisement is to be displayed to the viewer, as represented by block 326" can be understood to mean that the receiver module displays advertisements based on target criteria that are determined by the advertiser, and not based on a request from a user of the receiver module.

Therefore, Page 18/section 0178 and page 19/section 0182 of *Ozer* do not teach any of the steps recited in claim 88, namely "outputting by the STT a list of advertisement categories; receiving by the STT user-input corresponding to a category of advertisements identified in the list of advertisement categories; and responsive to receiving the user-input, outputting an advertisement corresponding to the category of advertisements during a subsequent interruption in a television program."

Claims 89-100

Claims 89-100 are allowable for at least the reason that they depend from claim 88, which has been shown to be allowable over the cited reference. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 101

Claim 101 recites the following:

"A television set-top terminal (STT) comprising:

memory configured to store program code; and

a processor that is programmed by the program code to enable the STT to download responsive to user input an advertisement corresponding to a category of advertisements selected by the user input from a the list of advertisement categories. "

In rejecting claim 101, the Office Action states that *Ozer* teaches a processor that is programmed to "enable the STT to download responsive to user input an advertisement corresponding to a category of advertisements as described earlier (page 15, section 0146, and claim 79)."

Page 15 section 0146 of *Ozer* contains a general description of hardware (e.g., processor and memory) in a receiver module 120, but does not teach, suggest, or disclose "a processor that is programmed by the program code to enable the STT to download responsive to user input an advertisement corresponding to a category of advertisements selected by the user input from a the list of advertisement categories."

The Office Action suggests that portions of *Ozer* that were cited against claim 79 are also used in rejecting claim 101. Therefore, such portions of *Ozer* will also be shown not to teach, suggest, or disclose "a processor that is programmed by the program code to enable the STT to download responsive to user input an advertisement corresponding to a category of advertisements selected by the user input from a the list of advertisement categories."

In rejecting claim 79 (and hence claim 101) the Office Actions states "see Fig, 8 and page 2/section 0019 for an overview of a receiver device, such as a set top box; page 14/sections 0141, 0142, 0143 for the advertisement data is stored in category order, and based on the user input for advertisement contents, the advertisement contents corresponding to an interested category is displayed to the user, see more at page 18/section 0178 and page 19/section 0182."

Figure 8 of *Ozer* depicts an example of a receiver module, but does not teach, suggest, or disclose "a processor that is programmed by the program code to enable the STT to download

responsive to user input an advertisement corresponding to a category of advertisements selected by the user input from a the list of advertisement categories."

Section 0019 of *Ozer* states:

"Once advertisements are scheduled and defined as either committed or flexible advertisements, planning module calculates and assigns the weights that are to be used by a receiver module, such as a set top box, or the like, to select from available advertisements to display to the viewer. For certain types of advertising, the administrator or individual may assign weights explicitly. These weights act as an indicator of the display frequency for the advertisement, i.e., the higher the weight the higher the display frequency or the more times advertisement content associated with the advertisement is displayed to a viewer through the receiver module. Examples of advertisement content include data included in graphics files, hypertext markup language (HTML) files, audio files, video files, and other audio and video data, which are used by the receiver module to present the advertisement to the viewer." Emphasis supplied.

Therefore, section 0019 of *Ozer* teaches that the "planning module" which is located remotely from the receiver module (see FIG. 1 in *Ozer*) calculates and assigns the weights that are to be used by the receiver module. There is no indication in *Ozer* that a user of the receiver module provides the weights to the planning module. Therefore, section 0019 of *Ozer* does not teach, suggest, or disclose "a processor that is programmed by the program code to enable the STT to download responsive to user input an advertisement corresponding to a category of advertisements selected by the user input from a the list of advertisement categories."

Page 14/sections 0141, 0142, 0143 of *Ozer* state:

"The advertisement data and/or content stored within the database associated with advertising module 42 can be stored in a variety of manners. For example, the data or content can be stored in a carousel that is accessible to advertising module 42 and manager module 40. Additionally, advertising module 42 can store the data or content in: (i) alphabetical order; (ii) category order, where advertisement content of the advertisement directed to a particular grouping of advertisements is stored together; (iii) calendar order, where days, weeks, months, etc. of advertisement content of the

advertisement are stored together for delivery to receiver modules 20; (iv) viewer selection order, or the like. Generally, the advertisement content of the advertisement includes one or more identifiers that associate the one or more advertising campaigns and/or one or more metadata file with delivery and weighting information. The manager module 40 can select the desired advertisement, and hence the associated advertisement content, based upon such attributes and deliver the advertisement content, with associated metadata or metadata file(s), of the advertisement to receiver module 20 for display to the targeted viewer." (*Ozer,* Page 14/sections 0141, 0142, 0143. Emphasis supplied).

Page 14/sections 0141, 0142, 0143 of *Ozer* primarily describe operation of an advertising module 42 and a manager module 40 that are part of a control module 16 located remotely from a receiver module 20 (see FIG. 1). According to Page 14/sections 0141, 0142, 0143, the involvement of the receiver module 20 is described as follows: "The manager module 40 can select the desired advertisement, and hence the associated advertisement content, based upon such attributes and deliver the advertisement content, with associated metadata or metadata file(s), of the advertisement to receiver module 20 for display to the targeted viewer." Therefore, Page 14/sections 0141, 0142, 0143 do not teach, suggest or disclose "a processor that is programmed by the program code to enable the STT to download responsive to user input an advertisement corresponding to a category of advertisements selected by the user input from a the list of advertisement categories."

Page 18/section 0178 and page 19/section 0182 of *Ozer* cited by the Office Action, and which describe the flow chart of FIG. 9, state the following:

"Upon receiving a request for an advertisement, and hence advertisement content, for a specified location and target criteria, the receiver module analyzes the one or more metadata files to identify when the advertisement content of the advertisement is to be displayed to the viewer, as represented by block 326. Further, the receiver module generates a list of advertisements and/or advertisement content for the advertisements that are to be displayed in accordance with the target criteria defined with the one or more metadata files, as represented by block 328. Consequently, the receiver module interprets the weights, whether absolute or relative weights based upon the available advertisements

that meet the target criteria, as represented by block 330." (*Ozer*, section 0178, emphasis supplied).

"Consequently, one receiver module of the present invention makes an advertisement selection decision on-demand for specific target criteria, including time, market area, demographics, etc. That is, the receiver module selects the particular advertisement content associated with scheduled advertisements when the broadcast programming, electronic program guide, web page, etc. includes a location or advertisement space for an advertisement. Alternatively, the receiver module can make the advertisement selection decision upon receiving the advertising content and metadata from the control module. For instance, the receiver module analyzes the metadata for the advertisement content upon receiving the same, and subsequently generates a display list of advertisement content based upon the absolute weights and flexible weights of the advertisements. The receiver module, therefore, waits for a request for advertisement content or one or more advertisements to be displayed to the viewer and selects one of the available advertisements. Thereafter, the receiver module removes that particular instance of the advertisement from the list and requests additional advertisements as needed. (*Ozer*, section 0182, emphasis supplied).

Page 18/section 0178 and page 19/section 0182 of *Ozer* cited by the Office Action, which describe the flow chart of FIG. 9, must be interpreted in the context of the preceding paragraphs that also describe FIG. 9. For example, section 0173 of *Ozer* states:

"Once the advertising inventory is displayed to the individual, an advertiser, optionally through the individual and associated hardware device, can request to schedule an advertising campaign, as represented by block 306. Illustratively, an advertiser can contact the provider of advertising inventory, such as a cable or satellite provider, and request the display of advertisement content to a specific target audience, i.e., geographic area, demographic data, specific times, etc. Additionally, the advertiser can request the display of a number of impressions to such an audience, i.e., the advertising impression goal. The advertiser and/or broadcaster may also request if the advertisement should be

regarded as a committed or flexible advertisement." (*Ozer*, section 0173, emphasis supplied).

Section 0173 of *Ozer* teaches that an advertiser specifies the target criteria for an advertisement that is to be displayed by the receiver module. In fact, the "target criteria" (e.g., time, market area, and demographics) mentioned in section 0182 of *Ozer* correspond to the "target audience" (e.g., geographic area, demographic data, specific times) that are defined by the advertiser in section 0173 of *Ozer*.

Based on the context of section 0173, the statement in section of 0178 *Ozer* that "Upon receiving a request for an advertisement, and hence advertisement content, for a specified location and target criteria, the receiver module analyzes the one or more metadata files to identify when the advertisement content of the advertisement is to be displayed to the viewer, as represented by block 326" can be understood to mean that the receiver module displays advertisements based on target criteria that are determined by the advertiser, and not based on a request from a user of the receiver module.

Therefore, Page 18/section 0178 and page 19/section 0182 of *Ozer* do not teach "a processor that is programmed by the program code to enable the STT to download responsive to user input an advertisement corresponding to a category of advertisements selected by the user input from a the list of advertisement categories."

Claim 102

Claim 102 is allowable for at least the reason that it depends from claim 101, which has been shown to be allowable over the cited reference. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 103

Claim 103 recites the following:

"A television set-top terminal (STT) comprising:

memory configured to store program code; and

a processor that is programmed by the program code to enable the STT to output responsive to user input an advertisement corresponding to a category of advertisements during a subsequent interruption in a television program, wherein the category of advertisements is selected by the user-input from a list of advertisement categories."

Regarding claim 103, the office action states "As for claims 103 and 104, these limitations are combined limitations of claims 101 and 79-80 and are rejected for the reasons given as stated earlier." Applicants note that claim 103 is different in scope from claims 101 and 79-80. For example, the combined limitations of claims 101 and 79-80 do not include "a processor that is programmed by the program code to enable the STT to output responsive to user input an advertisement corresponding to a category of advertisements during a subsequent interruption in a television program, wherein the category of advertisements is selected by the user-input from a list of advertisement categories."

The cited reference, *Ozer*, teaches enabling an advertiser and/or a broadcaster to target a group of receiver modules with advertising content based on target criteria specified by the advertiser and/or broadcaster. Such target criteria may include, for example, a geographic location of the receiver modules. Claim 103 is allowable for at least the reason that *Ozer* does not teach, suggest, or disclose "a processor that is programmed by the program code to enable the STT to output responsive to user input an advertisement corresponding to a category of advertisements during a subsequent interruption in a television program, wherein the category of advertisements is selected by the user-input from a list of advertisement categories."

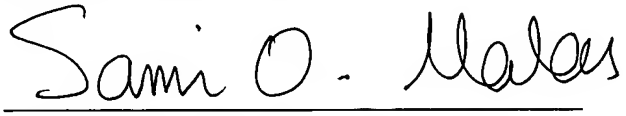
Claim 104

Claim 104 is allowable for at least the reason that it depends from claim 103, which has been shown to be allowable over the cited reference. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 79-104 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



Sami O. Malas, Registration No. 44,893

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500